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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,960	03/11/2004	Daniel V. Gochenour	65856-0056	6273

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EXAMINER

BONCK, RODNEY H

ART UNIT PAPER NUMBER

3681

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/797,960	Applicant(s) GOCHENOUR ET AL.	
	Examiner Rodney H. Bonck	Art Unit 3681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-33, 50 and 51 is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-21, 34, 35, 45-49, 52 and 53 is/are rejected.
- 7) ☒ Claim(s) 36-44 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08/19/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The following action is in response to the amendment received October 10, 2005.

Information Disclosure Statement

Receipt is acknowledged of the Information Disclosure Statement filed August 19, 2005. The cited documents have been considered.

Claim Objections

Claim 6 is objected to because of the following informalities: Claim 6 recites "the diaphragm spring" without a proper antecedent basis. It appears that claim 6 was intended to depend from claim 5 rather than claim 1.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7, 9-21, 49, 52, and 53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation added to claim 1 is not fully understood as it is not clear how a spring is "biased in a generally disc-

Art Unit: 3681

shaped configuration.” It is assumed for purposes of examination that the limitation means that the return spring has a disc-shaped configuration.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 7, 9, 10, 34, 35, 47, 49, 52, and 53, insofar as definite, are rejected under 35 U.S.C. 102(b) as being anticipated by Wright('748). Wright discloses a centrifugal clutch comprising an input member 3 and an output member 6. The output member includes at least one friction plate 9 and the input member includes a cover module 17. The cover module includes a pressure plate 13, a moveable plate 25, and a fixed plate 16. A plurality of weights 33 are positioned between the moveable plate and the fixed plate and are adapted to move outward under centrifugal force. A return spring 30 applies a return force on the weights and has a disc-shaped configuration. The spring applies a return force by pulling on the moveable plate. The member 26 in Wright is a bolt on which nut 29 is threaded. Spring 14 can be considered a second return spring. Regarding claim 34, weights 33 of Wright can be considered “roller weights” as claimed because they include rolling balls 35. Return spring 30 in Wright acts directly on the fixed plate 16.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wright('748). The return spring of Wright is a coil spring in a disc-shaped configuration, but it is not a "diaphragm spring", as called for here. The coil spring and diaphragm spring, however, are well recognized in the clutch art as equivalent biasing means. Substitution of a diaphragm spring for spring 30 of Wright would have been obvious to the artisan at the time this invention was made.

Art Unit: 3681

Claims 20, 45, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright('748) in view of Nakane('862). These claims call the roller weights having a generally cylindrical outer roller portion and a shaft-like inner roller portion. This is a known configuration as shown by Nakane where weights 30 have an inner shaft-like roller portion 31, and outer roller portion 33, and intermediate bearing 34. It would have been obvious to use this configuration in Wright, the motivation being to reduce sliding friction during weight movement.

Claims 21 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright('748) in view of Gochenour et al.(US 2003/0042108 A1). These claims require that the moveable plate apply an axial force to the pressure plate through a preloaded plate spring. Gochenour et al. disclose a centrifugal clutch having a moveable plate 128 that acts on pressure plate 130 through preloaded plate spring 132, thus inherently limiting axial force applied to the pressure late. It would have been obvious to carry this teaching to Wright, providing a preloaded plate spring between moveable plate 33 and pressure plate 13, the motivation being limit pressure applied to the pressure plate.

Allowable Subject Matter

Claims 22-33, 50, and 51 are allowed.

Claims 36-44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 6 and 11-19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to the rejection under 35 USC 112, second paragraph, have been fully considered and are persuasive in regard to the "height to thickness ratio" limitation. (Note that the "Belleville Disc Springs" publication referred to by applicants in the remarks of the response of October 10, 2005 has been cited on a Form PTO-892 to make it of record.) The previous rejection under 35 USC 112, second paragraph, regarding the "height to thickness ratio" limitation is withdrawn.

Applicant's arguments with respect to claims 1-5, 7, 9, 10, 20, 21, 34, 35, 45-49, 52, and 53 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Goins('251) is cited for its disclosure of the alternative use of coil springs and diaphragm springs in the prior art. Maimone('056) is cited for its disclosure

Art Unit: 3681

concerning the choice of ramp angle in a centrifugal actuator. The "Belleville Disc Springs" publication was cited by applicants and is hereby made of record.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney H. Bonck whose telephone number is (571) 272-7089. The examiner can normally be reached on Monday-Friday 7:00AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Rodney H. Bonck
Primary Examiner
Art Unit 3681

rhb
November 12, 2005